

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

O'QUINN PAUL LAMONT PURVIS

Plaintiff,

v.

Civ. No. 21-716 MV/JFR


RAFAEL MARIN et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER ADOPTING THE MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** comes before the Court on United States Magistrate Judge John F. Robbenhaar's Proposed Findings and Recommended Disposition ("PFRD"), filed February 6, 2023 (Doc. 38), recommending that the Court grant Defendant Rafael Marin's Motion to Dismiss Plaintiff's Complaint ("Motion") (Doc. 20). Objections to the PFRD were due no later than February 21, 2023, with three additional days permitted for mailing. *See* Doc. 38. Plaintiff has not filed any objections, and the deadline has expired. The failure to make timely objections to the Magistrate Judge's Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059 (10<sup>th</sup> Cir. 1996).

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 38) is **ADOPTED**. Defendant Rafael Marin's Motion is thereby **GRANTED** and Plaintiff's claims against Defendant Rafael Marin are **DISMISSED WITH PREJUDICE**.

  
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MARTHA VAZQUEZ  
Senior United States District Judge